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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 14@ Standards for Owners and Operators of Hazardous Waste Transfer, Treatment, Storage, and Disposal Facilities

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Article 7@ Closure and Post-Closure

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Section 66264.119@ Post-Closure Notices

66264.119 Post-Closure Notices

(a)

No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator shall submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Department a record of the type, location, and quantity of hazardous wastes disposed of within each cell or area (not limited to only hazardous waste disposal unit) of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator shall identify the type, location, and quantity of the hazardous wastes to the best of the owner's or operator's knowledge and in accordance with any records the owner or operator has kept. Any changes in the type, location or quantity of hazardous wastes disposed of within each cell or area of the facility that occur after the survey plat and record of wastes have been filed shall be reported to the local zoning authority or the authority with jurisdiction over local land use and to the Department.

(b)

Within 60 days of certification of closure of the first hazardous waste disposal unit and within 60 days of certification of closure of the last hazardous waste disposal unit, the owner or operator shall: (1) record, in accordance with State law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential

purchaser of the property that: (A) the land has been used to manage hazardous wastes; and (B) its use is restricted under article 7 of this chapter; and (C) the survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or area (not limited to only hazardous waste disposal unit) of the facility required by sections 66264.116 and 66264.119(a) have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the Department; and (2) submit, to the Department, a certification, signed by the owner, that the notation specified in subsection (b)(1) of this section has been recorded, including a copy of the document in which the notation has been placed.

(1)

record, in accordance with State law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that: (A) the land has been used to manage hazardous wastes; and (B) its use is restricted under article 7 of this chapter; and (C) the survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or area (not limited to only hazardous waste disposal unit) of the facility required by sections 66264.116 and 66264.119(a) have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the Department; and

(A)

the land has been used to manage hazardous wastes; and

(B)

its use is restricted under article 7 of this chapter; and

(C)

the survey plat and record of the type, location, and quantity of hazardous wastes disposed

of within each cell or area (not limited to only hazardous waste disposal unit) of the facility required by sections 66264.116 and 66264.119(a) have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the Department; and

(2)

submit, to the Department, a certification, signed by the owner, that the notation specified in subsection (b)(1) of this section has been recorded, including a copy of the document in which the notation has been placed.

(c)

If at any time the owner or operator or any subsequent owner or operator of the land upon which a hazardous waste disposal unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, or contaminated underlying and surrounding soils, the owner or operator shall request a modification to the post-closure permit in accordance with the applicable requirements in chapters 20 and 21 of this division. The owner or operator shall demonstrate that the removal of hazardous wastes will satisfy the criteria of section 66264.117(d). By removing hazardous waste, the owner or operator may become a generator of hazardous waste and shall manage it in accordance with all applicable requirements of this chapter. If the Department grants a permit modification or otherwise grants approval to conduct such removal activities, and the removal activities are completed to the satisfaction of the Department the owner or operator may request that the Department approve either: (1) the removal of the notation on the deed to the facility property or other instrument normally examined during title search; or (2) the addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

(1)

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normally examined during title search; or

(2)

the addition of a notation to the deed or instrument indicating the removal of the hazardous waste.